

REMARKS

A. Status of the Claims and Figures

Claims 1-32 were filed. Claim 24 was amended in the response to the first Office Action. Claims 16, 26, 28, 30, and 32 are amended as set forth above, and claim 19 is cancelled. Thus, claims 1-18 and 20-32 will be pending upon entry of the requested amendments.

A replacement FIG. 11 is provided that has been amended to include lead lines extending from element numbers 100. Page 9, lines 18-20 and page 24, line 24 – page 25, line 8 contain exemplary support for the change to FIG. 11.

B. Claims 1-13, 16-23, and 28-32 Are Patentable over Wilson

The Office maintains its rejection of claims 1-13, 16-23, and 28-32 as being anticipated by U.S. Patent No. 4,438,863 to Wilson et al. (Wilson). Applicants, again, respectfully traverse.

1. Claims 1-13

Independent claim 1 is directed to a covering system that includes a first membrane and a first flotation member coupled to the first membrane. The first flotation member includes a first float and a first float compartment membrane, which is coupled to the first membrane. The covering system also includes, in relevant part, a first plurality of gas-relief passageways positioned either within the first float compartment membrane, or within the first membrane and adjacent the first flotation member. Wilson fails to teach or suggest the claimed first plurality of gas-relief passageways.

The Office again asserts that Wilson discloses a “plurality of gas relief vents (col 3 lines 30-43; 34-fig 4)” Action at page 2. However, a “plurality of gas relief vents” is **not** all that is required by independent claim 1. Specifically, claim 1 requires a plurality of gas-relief passageways “positioned either: **within the first float compartment membrane, or within the**

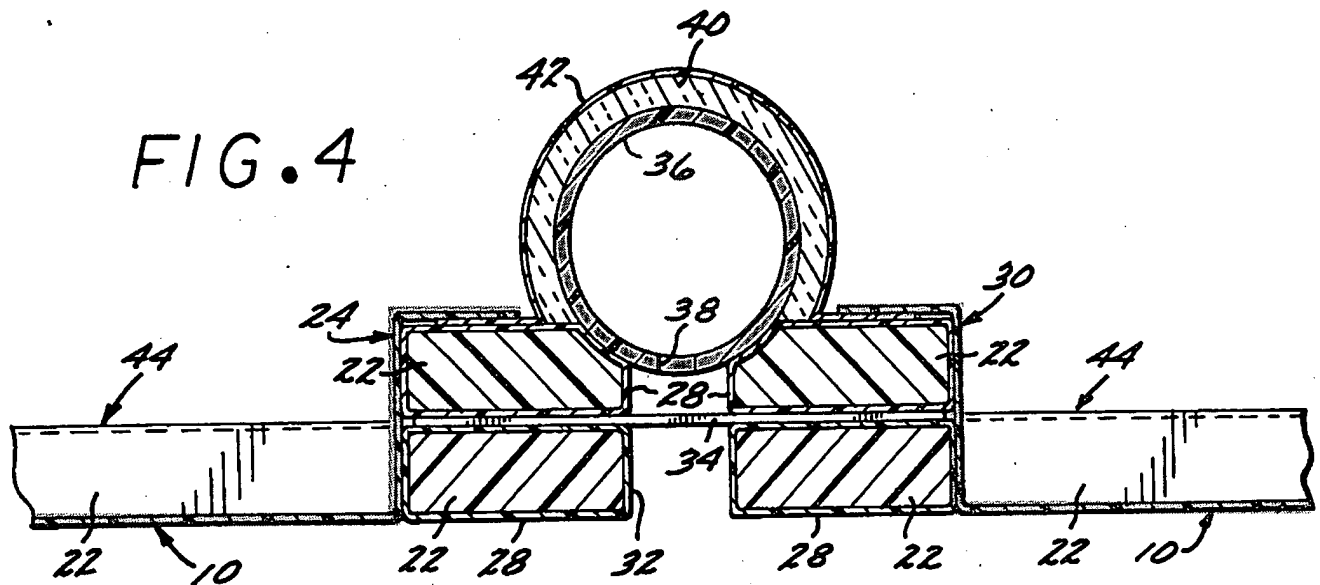
first membrane and adjacent to the first flotation member[.]” See claim 1 (emphasis added). The Office has not pointed to any gas-relief passageways in Wilson that are **within** either the claimed first membrane or the claimed first float compartment membrane. The Office asserts that “there are gaps between the straps 34 forming gas relief passageways.” July Action at page 5. Those gaps are not positioned **within** one of the two membranes recited above. Therefore, those gaps do not meet the requirements of claim 1. Claim 1 and all its dependents are patentable over Wilson for at least this reason, and Applicants request that the Office remove the rejection and allow these claims.

2. Claims 16-23

Independent claim 16 is directed to a covering system that includes a first membrane having a width; a first float coupled to the first membrane, the first float having a width that is not more than twenty-five percent of the width of the first membrane; and a second membrane coupled to the first membrane so as to define gas-relief openings between the first and second membranes. Claim 16 has been amended to incorporate the limitations of former claim 19 (now cancelled) in order to further distinguish Wilson. As a result, the covering system of claim 16 also includes a second float coupled to the first membrane, the second float being spaced apart from the first float, and a first elongated weight positioned on an upper surface of the first membrane and between the first and second floats. Wilson fails to teach or suggest an elongated weight that is positioned on an upper surface of the claimed first membrane and that is located between the claimed first and second floats.

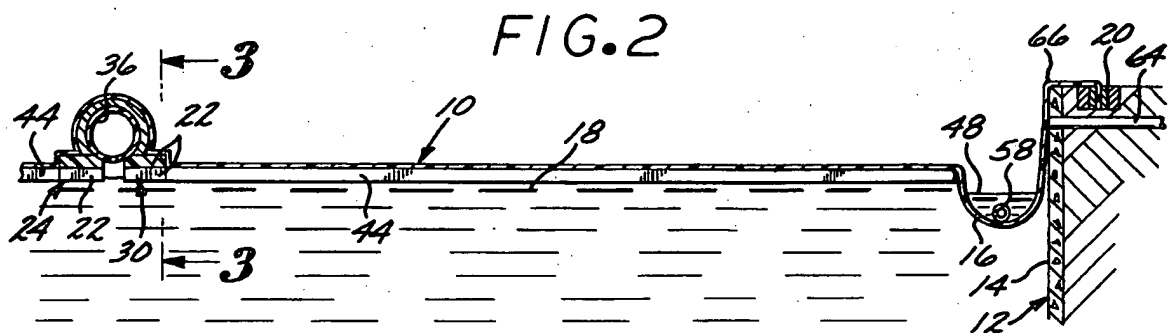
The Office asserts on page 3 of the July Action that Wilson discloses “a weight (pipe 36-fig 4), and a second elongated member as in instant claims 10, 19 and 20 (see 50-fig 7).” However, pipe 36 is not positioned on an upper surface of the claimed first membrane. This is

clear from FIG. 4 of Wilson, which shows that cover 10 is – as the Office admits on page 5 of its Action – actually two different covers: one on the left and one on the right. The green highlighted portion below shows the boundaries of the covers 10 terminate prior to reaching pipe 36 (red):



Pipe 36 is not positioned on an upper surface of either cover 10. As such, pipe 36 does not qualify as the claimed first elongated weight.

Wilson also discloses a collection pipe 58 arranged around the perimeter of covers 10 and positioned on cover 10 at sump 16:



Collection pipe 58 is not positioned between the claimed first and second floats. Collection pipe 58 does not, therefore, qualify as the claimed elongated weight.

For at least these reasons, claim 16, and all its dependent claims, are patentable over Wilson. Applicants request that the Office withdraw the rejection of these claims and allow them to issue.

3. Claims 28 and 29

Independent claim 28 is directed to a venting method that includes coupling a first membrane to a first flotation member. The first flotation member includes a first float and a first float compartment membrane. The coupling includes coupling the first float compartment membrane to the first membrane. The venting method also includes, in relevant part, forming gas-relief passageways either within the first float compartment membrane, or within the first membrane and adjacent the first flotation member. Wilson fails to teach or suggest the claimed forming for at least the same reasons set forth above with respect to claim 1.

The method also includes elevating at least a portion of the first membrane so that gas from a body containing some liquid is **directly vented to atmosphere** through at least one of the gas-relief passageways. The adjective “directly” replaces “unobstructedly” and was made to make the distinction between the subject matter of claim 28 and Wilson more clear. This step is nowhere taught or suggested in Wilson. In fact, Wilson teaches away from this step because Wilson discloses that **all** of the gas that rises off of the liquid over which cover 10 is placed is routed to conduit 36 before it ever reaches the atmosphere. Col. 4, lines 63-66. Thus, any gas that “eventually leads to the atmosphere” – as the Office puts it (page 5) – does so **indirectly** by going through conduit 36 first.

For at least these reasons, claim 28, and its dependent claim 29, are patentable over Wilson. Applicants respectfully request that the Office withdraw the rejection of these claims and allow these claims to issue.

4. Claims 30 and 31

Independent claim 30 is directed to a venting method that includes coupling a first membrane having a width to a first float having a width that is not more than twenty-five percent of the width of the first membrane. The method also includes, in relevant part, coupling a second membrane to the first membrane so as to define gas-relief openings between the first and second membranes; and elevating the gas-relief openings over the body so that gas from the body is **directly** vented to atmosphere through at least one of the gas-relief openings. The adjective “directly” replaces “unobstructedly” and was made to make the distinction between the subject matter of claim 30 and Wilson more clear.

Wilson fails to teach or suggest elevating any gas-relief openings over a body containing some liquid so that gas from the body is **directly** vented to atmosphere through at least one of the gas-relief openings. Wilson teaches away from this step because Wilson discloses that **all** of the gas that rises off of the liquid over which cover 10 is placed is routed to conduit 36 before it ever reaches the atmosphere. Col. 4, lines 63-66. Thus, any gas that “eventually leads to the atmosphere” – as the Office puts it (page 5) – does so **indirectly** by going through conduit 36 first.

For at least these reasons, claim 30, and its dependent claim 31, are patentable over Wilson. Applicants respectfully request that the Office withdraw the rejection of these claims and allow these claims to issue.

5. Claim 32

Claim 32 is directed to a method of venting gas from a body containing some liquid. The method includes placing a covering system over the body and, in relevant part, positioning the covering system to allow gas from the body to vent **directly** to atmosphere around the outer edge of the first membrane of the covering system. The adjective “directly” was added to this claim to make the distinction between the subject matter of claim 32 and Wilson more clear.

No gas that forms under cover 10 travels around the outer edge of cover 10 directly to atmosphere. Wilson discloses, instead, that **all** of the gas that rises off of the liquid over which cover 10 is placed is routed to conduit 36 before it ever reaches the atmosphere. Col. 4, lines 63-66. Thus, any gas that “eventually leads to the atmosphere” – as the Office puts it (page 5) – does so **indirectly** by going through conduit 36 first.

For at least this reason, claim 32 is patentable over Wilson. Applicants respectfully request that the Office withdraw the rejection of this claim and allow it to issue.

C. Claims 14, 24, and 26 Are Patentable over Wilson in View of Vogel

The Office rejects claims 14, 24, and 26 as being obvious over Wilson in view of U.S. Patent No. 6,136,194 to Vogel et al. (Vogel). Applicants respectfully traverse.

1. Claim 14

Claim 14 depends from claim 1 and is therefore patentable for at least the same reasons as claim 1. Vogel does not cure the deficiencies of Wilson in this regard.

2. Claim 24

Claim 24 depends from claim 16 and is therefore patentable for the same reasons as claim 16. Vogel does not cure the deficiencies of Wilson in this regard.

3. Claim 26

Independent claim 26 is directed to a floating cover that includes a first membrane; a service opening positioned within the first membrane, the service opening being defined by a service opening edge; a flotation member coupled to the first membrane so as to elevate the service opening edge above a body containing some liquid when the system is used; and a service opening membrane coupled to the service opening edge and **extending down through the service opening**. The bolded language was added to further distinguish Vogel.

The Office asserts that durable geomembrane casing 52 of Vogel qualifies as the originally claimed service opening membrane. July Action at page 4. Amended claim 26 requires that the claimed service opening membrane be coupled to the claimed service opening edge **and** extend down through the service opening. Casing 52 does not extend down through any opening in module 37 of Vogel. There is no suggestion in any of the cited references for the use of the claimed service opening membrane.

For at least this reason, claim 26 is patentable over the asserted combination of Wilson and Vogel. Applicants respectfully request that the Office withdraw the rejection of this claim and allow it to issue.

D. Claims 15, 25, and 27 Are Patentable over Wilson in View of Vogel and Ballu

The Office rejects claims 15, 25, and 27 as being obvious over Wilson in view of Vogel and further in view of U.S. Patent No. 4,244,819 to Ballu (Ballu). Applicants respectfully traverse.

1. Claim 15

Claim 15 depends from claim 1 and is therefore patentable for at least the same reasons as claim 1. Vogel and Ballu do not cure the deficiencies of Wilson in this regard.

2. Claim 25

Claim 25 depends from claim 16 and is therefore patentable for the same reasons as claim 16. Vogel and Ballu do not cure the deficiencies of Wilson in this regard.

3. Claim 27

Claims 27 depends from claim 26 and is therefore patentable for the same reasons as claim 26. Ballu does not cure the deficiencies of the asserted combination of Wilson and Vogel in this regard.

E. Arguments Reserved for Dependent Claims

Each of the present dependent claims is patentable over the cited art for at least the reasons that their respective independent claims are patentable. Applicants reserve the right to provide additional arguments in support of the patentability of the present dependent claims should doing so become necessary. Applicants do not acquiesce to any of the Office's arguments or statements concerning the patentability of the present dependent claims.

F. Petition for Extension of Time

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of two months up to and including December 29, 2003 in which to respond to the Office Action dated July 28, 2003. If the check for this extension of time has been omitted, or if any fees are due, the Commissioner is authorized to deduct any fees required for any reason relating to the enclosed materials under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski Deposit Account No.: 50-1212/IAEC:006US/MTG.

G. Conclusion

Applicants respectfully submit that claims 1-18 and 20-32 are in condition for allowance. Should Examiner Menon have any questions concerning this application, the Examiner is invited to contact Applicants' attorney at (512) 536-3031.

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Respectfully submitted,



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